

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DAWN McCULLOUGH,

3:10-CV-06117-ST

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security Administration,

Defendant.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#13) on September 1, 2011, in which she recommended the Court affirm the decision of the Commissioner and dismiss this matter. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil

Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In her Objections, Plaintiff reiterates the arguments contained in her Opening and Reply Briefs. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#13), **AFFIRMS** the decision of the Commissioner, and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 21st day of November, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge